Technical Guidance

Pesticides Act and Ontario Regulation 63/09 Licensed Limited Vendors

March 2012

Purpose

This technical guidance provides regulatory information for licensed limited vendors which include retailers selling pesticide products at horticulture and garden centres, nurseries, hardware and home improvement stores. Ontario's cosmetic pesticides ban took effect April 22, 2009. The requirements of the ban are detailed in Ontario Regulation 63/09 (O. Reg. 63/09) made under the Pesticides Act which was amended by the Cosmetic Pesticides Ban Act, 2008.

Class 7 (Controlled Sales) Handout

A licensed limited vendor must give written information, approved by the MOE (i.e., the Class 7 Handout Domestic Products), to consumers at the time of purchase of a Domestic Class 7 product. The handout informs consumers that certain uses are not allowed under the ban. As of April 22, 2012, only the 2011 version of the Class 7 Handout Domestic Products is approved by the MOE. Vendors should not use the 2009-version.

Restricted Class 7 products also require that MOE approved written information specific for these products (i.e., the Class 7 Handout Restricted Bear Repellents) be provided to consumers at the time of purchase.

Displaying Class 7 Products

Class 7 products, including Domestic and Restricted products, must be placed in store displays such that the public does <u>not</u> have ready access to them. A licensed limited vendor must ensure, by whatever method is most suitable, that the public <u>cannot</u> access the product until it is provided by a store employee. However, empty containers, that have never held pesticides, can be displayed so that the consumer can access them for product information.

Restricted Class 7 products (i.e., Bear Repellents) are also controlled sales products. These products must <u>not</u> be readily accessible on store shelves, but will need to be requested from the licensed limited vendor for purchase. A licensed limited vendor must ensure that the purchaser is 18 years of age or older and retain a record of sale including: the name and address of the purchaser; amount purchased; and a notice signed by the purchaser.

These display requirements for the sale of Class 7 products came into effect April 22, 2011.

Cosmetic Uses of Class 7 Products

Domestic products in Class 7 have both cosmetic and non-cosmetic uses. Under the ban, the cosmetic uses of these products are not allowed. For example:

- Class 7 products cannot be used on driveways, patios, lawns or gardens to control weeds or other vegetation as these are cosmetic uses, but can be used to control plants poisonous to humans by touch (e.g., poison ivy, giant hogweed).

- Class 7 products cannot be used to control lawn or garden pests as these are cosmetic uses but can be used to control biting or stinging pests as directed on the label. Class 7 products can be used inside the home or immediately around the outside perimeter to control indoor pests as directed on the label.

Classification of pesticides

A pesticide product must be registered by Health Canada's Pest Management Regulatory Agency and classified by the MOE to be sold in Ontario. Products must be sold in their original containers.

Ontario has established a pesticide classification system consisting of eleven classes under provincial legislation as set out below.

- Class 1 is products intended for manufacturing purposes
- Class 2, 3 and 4 are restricted or commercial products
- Class 5 and 6 are domestic products intended for household use
- Class 7 is controlled sales products (domestic or restricted)
- Class 8 is domestic products that are banned for sale and use
- Class 9 pesticides are ingredients in products for use only under exceptions to the ban
- Class 10 pesticides are ingredients in products for the poisonous plant exception
- Class 11 pesticides are ingredients in products for cosmetic uses under the ban

Licensing Requirements

Vendors are licensed based on the class of products they sell. A licensed limited vendor can:

- Sell Class 5 or 6 products
- Sell Class 7 products subject to certain conditions (see below)
- No longer sell Class 8 products

Display and Storage
A licensed limited vendor must ensure that pesticide products are displayed and stored in accordance with O. Reg. 63/09 under the Pesticides Act.

Fire Department Notification
A licensed limited vendor must provide notice of pesticide storage to the local fire department on an annual basis by submitting a Fire Department Notification Card. The card must indicate the class of pesticides in storage, their location and conditions of storage, and identify a person responsible for the pesticides. The card is available from the Environmental Assessment and Approvals Branch at 416-314-8001 or toll free at 1-800-461-6290.

Spills Action Centre Notification
A licensed limited vendor must immediately notify the MOE's Spills Action Centre (**1-800-268-6060**) in the event of a fire, accident, spill, theft or other occurrence involving a pesticide that may result in the pesticide being discharged into the environment out of the normal course of events.

Class 8 Products
A licensed limited vendor can not sell Class 8 products but may store them until products are transported or transferred out of Ontario, or returned to the manufacturer.

Proper Disposal
All pesticide wastes must be disposed of at a waste disposal facility that has been approved by the MOE. In addition, pesticide wastes can only be transported by a waste management company that has obtained the appropriate approvals from the MOE.

Questions regarding the proper disposal of pesticide waste should be directed to your local MOE District Office.

For more information
Visit the MOE website for additional information on topics such as:
- Pesticides signage
- Important Information for Licensed Vendors Selling Pesticides
- Class 7 Handout Domestic Products (2011 version)
- Class 7 Handout Restricted Bear Repellents
- Technical Guidance - Display and Storage of Class 5, 6 and 7 Pesticide Products at Licensed Vendor Outlets

A number of fact sheets and suggestions on caring for lawns and gardens are available on the MOE's website.

Questions about the cosmetic pesticides ban can be directed to the MOE's Public Information Centre at 1-800-565-4923 or 416-325-4000 (press 0 to talk to an information officer).

This technical guidance is for informational purposes only and should not be construed as legal advice. Interested parties are advised to refer to the Pesticides Act and O. Reg. 63/09 to address specific circumstances.

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